

JS 44 (Rev. 11/04)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mary Jo O'Neil
Equal Employment Opportunity Commission
3300 North Central Avenue, Suite 690
Phoenix, Arizona 85102-2504
Telephone: (800) 669-4000

DEFENDANTS**CISCO SYSTEMS, INC.****BZ**County of Residence of First Listed Defendant **SANTA CLARA**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE OF LAND INVOLVED.

Attorneys (If Known)

Brendan Dolan, State Bar No. 126732
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	PERSONAL INJURY	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
	PERSONAL PROPERTY	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 380 Other Personal Property Damage			<input type="checkbox"/> 894 Energy Allocation Act
	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 895 Freedom of Information Act
	PRISONER PETITIONS			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 510 Motion to Vacate Sentence			<input type="checkbox"/> 950 Constitutionality of State Statutes
	Habeas Corpus:			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):**42 U.S.C. Section 2000(e) et seq.**Brief description of cause: **Employment discrimination (complaint being filed/immediately dismissed pursuant to settlement)****VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ 0.00
 UNDER F.R.C.P. 23

☐ CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY(See instructions): JUDGE **Jeffrey White**DOCKET NUMBER **C-07-0654 JSW**

DATE
April 11, 2008

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

R. J. R. M. / B.D.

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ORIGINAL

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E-filing

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BZ

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Civil Action No.:

1938

Plaintiff,
vs.

COMPLAINT

CISCO SYSTEMS, INC.,
Defendant.

And
DEMAND FOR JURY TRIAL

NATURE OF THE ACTION

This is a public enforcement action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of race, color, and national origin, and to provide appropriate relief to Albert Crews III, Sandra Hill, Tony Morris, Jeyakumar Nagarathinum, Craig Oliver, who were adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission ("EEOC"), contends that since at least 2004, Defendant, Cisco Systems, Inc. ("Cisco") has engaged in discrimination against job applicants based upon race, color, and national origin by

1 failing to hire Albert Crews III, Sandra Hill, Tony Morris, Jeyakumar Nagarathinum and
2 Craig Oliver in Cisco's U.S. Sales Organization.

3
4 **JURISDICTION AND VENUE**

5 1. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
6 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections
7 703(a), 704, 706(f)(1), 706(f)(3), of Title VII of the Civil Rights Act of 1964, as
8 amended, 42 U.S.C. §§ 2000e-2(a), 2000e-3, 2000e-5(f)(1), 2000e-5(f)(3), and Section
9 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

10 2. The employment practices alleged to be unlawful were committed within
11 the jurisdiction of the United States District Court, Northern District of California.

12 **PARTIES**

13 3. Plaintiff EEOC is the agency of the United States of America charged with
14 the administration, interpretation and enforcement of Title VII, and is expressly
15 authorized to bring this action by Sections 706(f)(1) and 706(f)(3) of Title VII, 42 U.S.C.
16 §§ 2000e-5(f)(1) and (3).

17 4. At all relevant times, Defendant has continuously been and is now doing
18 business in the State of California and has continuously had at least fifteen (15)
19 employees.

20 5. At all relevant times, Defendant has continuously been an employer
21 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g)
22 and (h) of Title VII, 42 U.S.C. §§ 2000e-(b), (g) and (h).

23
24 **STATEMENT OF CLAIMS**

25 6. More than thirty (30) days prior to the institution of this lawsuit, Albert
26 Crews III, Sandra Hill, Tony Morris, Jeyakumar Nagarathinum and Craig Oliver (referred
27 to herein as "Plaintiff/Charging Parties"), filed charges of discrimination with the EEOC
28 on behalf of themselves alleging violations of Title VII by Defendant.

1 7. All conditions precedent to the institution of this lawsuit have been
2 fulfilled.

3 **FIRST CLAIM FOR RELIEF**
4 **Pattern or Practice of Race, Color and National Origin Discrimination in**
5 **Employment Practices**

6 8. Plaintiff realleges the foregoing paragraphs 1-7 of this Complaint.

7 9. Since at least 2004, Defendant has engaged in unlawful discriminatory
8 hiring practices in its U.S. Sales Organization by denying equal employment
9 opportunities to Albert Crews III, Sandra Hill, Tony Morris, Jeyakumar Nagarathinum
10 and Craig Oliver because of their race, color and/or national origin.

11 10. The effect of the practices complained of in Paragraph Nine has been to
12 deprive Albert Crews III, Sandra Hill, Tony Morris, Jeyakumar Nagarathinum and Craig
13 Oliver of equal employment opportunities and to otherwise adversely affect their
14 employment status, because of their race, African-American, national origin, and/ or
15 color.

16 11. The unlawful employment practices complained of in Paragraph Nine
17 above were and are intentional.

18 12. The unlawful employment practices complained of in Paragraph Nine
19 above were and are done with malice or with reckless indifference to the federally
20 protected rights of Albert Crews III, Sandra Hill, Tony Morris, Jeyakumar Nagarathinum
21 and Craig Oliver.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, the Commission respectfully requests that this Court:

24 A. Grant a permanent injunction enjoining Defendant, Cisco, its officers,
25 successors, assigns, and all persons in active concert or participation with it, from
26 engaging in any employment policy or practice which discriminates against applicants of
27 color based on race, color and/or national origin.

1 B. Order Defendant to institute and carry out policies, practices, and programs
2 which provide equal employment opportunities for all employees regardless of race,
3 color, and/or national origin

4 C. Order Defendant to make whole those individuals subjected to the unlawful
5 discriminatory treatment based on race, color, and/or national origin by providing
6 compensation for past and future pecuniary losses resulting from the unlawful
7 employment practices described above;

8 D. Order Defendant to make whole those individuals subjected to the unlawful
9 discriminatory treatment based on race, color, and/or national origin, by providing
10 compensation for past and future non-pecuniary losses, including emotional pain,
11 suffering, inconvenience, mental anguish, loss of enjoyment of life and humiliation;

12 E. Order Defendant to pay those individuals subjected to the unlawful
13 discriminatory treatment based on race, color, and/or national origin, punitive damages
14 for its malicious and/or reckless conduct described above, in amounts to be determined at
15 trial;

16 F. Order Defendant and its successors to provide training to its officers,
17 managers and employees regarding race, color, and national origin discrimination and
18 retaliation in the workplace;

19 G. Grant such further relief as the Court deems necessary and proper in the
20 public interest; and

21 H. Award the Commission its costs in this action.

22
23 **JURY TRIAL DEMAND**

24 The Commission requests a jury trial on all questions of fact raised by this
25 Complaint.

26 Dated: ~~April~~ 11, 2008

27
28 Respectfully submitted,

1 RONALD S. COOPER
2 General Counsel

3 U.S. EQUAL EMPLOYMENT
4 OPPORTUNITY COMMISSION
5 1801 L Street, N.W.
6 Washington, D.C. 20507

7 MARY JO O'NEILL
8 Regional Attorney
9 Phoenix District Office

10 s/ Rita Byrnes Kittle
11 RITA BYRNES KITTLE
12 Supervisory Trial Attorney
13 EEOC Denver Field Office

14 s/ Lucila Rosas
15 LUCILA ROSAS
16 Trial Attorney
17 EEOC Phoenix District Office

18 PLEASE NOTE:
19 For the purposes of service upon the EEOC,
20 it is sufficient that pleadings, notices, and
21 court documents be served upon the
22 Trial Attorneys.
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